

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PETER B. BOGDA, ET AL.,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO.
VS.)	
)	3:07-CV-1844-G
GREATBATCH, INC., f/k/a WILSON)	
GREATBATCH TECHNOLOGIES,)	ECF
INC., ET AL.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

This court is required to examine the basis for its subject matter jurisdiction, on its own motion if necessary. *Torres v. Southern Peru Copper Corp.*, 113 F.3d 540, 542 (5th Cir. 1997). Diversity of citizenship is alleged as the basis for subject matter jurisdiction in this case. Notice of Removal ¶ 4. The plaintiffs are alleged to be “natural persons and citizens of the State of Texas.” *Id.* ¶ 5. The defendants Greatbatch, Inc. and Greatbatch Technologies Advanced Research Laboratories, Inc. are alleged to be Delaware corporations. Plaintiffs’ Original Petition (“Petition”)

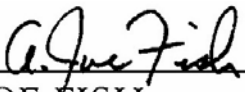
¶¶ 3.01-3.02, *attached to* Notice of Removal. Their principal place of business is not alleged. The defendant Greatbatch, L.L.C. is alleged to be “a Delaware limited liability company.” Petition ¶ 3.03. The defendant Greatbatch, Ltd. is alleged to be “a New York limited partnership.” *Id.* ¶ 3.04.

Generally, the citizenship of artificial entities other than corporations is determined by the citizenship of their members. See *Carden v. Arkoma Associates*, 494 U.S. 185 (1990). This rule applies to limited liability companies such as the defendant Greatbatch, L.L.C. *E.g.*, *Wise v. Wachovia Securities, LLC*, 450 F.3d 265, 267 (7th Cir.), *cert. denied*, ___ U.S. ___, 127 S. Ct. 582 (2006); *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006); *Pramco, LLC ex rel. CFSC Consortium, LLC v. San Juan Bay Marina, Inc.*, 435 F.3d 51, 54-55 (1st Cir. 2006). It also applies to limited partnerships such as the defendant Greatbatch, Ltd.

Within ten days of this date, the defendants shall electronically file and serve an amended notice of removal alleging the principal place of business of the defendants Greatbatch, Inc. and Greatbatch Technologies Advanced Research Laboratories, Inc. In addition, the names and citizenship of all the members/owners/partners of the defendant Greatbatch, L.L.C. and the defendant Greatbatch, Ltd. should be alleged. Failure to timely file and serve such an amended notice of removal will result in remand of this case, without further notice, to the state court from which it was removed.

SO ORDERED.

November 6, 2007.



A. JOE FISH
CHIEF JUDGE